

Applicant : Roger Thomas
Serial No. : 10/729,232
Filed : December 5, 2003
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Attorney's Docket No.: P-US-PR 1111

REMARKS

Claims 1-14 are pending, with claims 1 and 14 being independent. Claims 1, 3, and 5 have been examined and claims 2, 4, and 6-13 have been withdrawn from consideration due to a restriction requirement. New independent claim 14 has been added. No new matter has been added.

Applicant thanks the Examiner for indicating that claim 3 contains allowable subject matter.

Provisional Double Patenting Rejection

Claims 1, 3, and 5 stand provisionally rejected for obviousness-type double patenting as being unpatentable over claims 1-14 of copending Application No. 10/729,233 and claims 1-13 of copending Application No. 10/729,234. Upon the claims otherwise being allowable, Applicant will file a terminal disclaimer to remove this rejection.

Drawing Objections

The drawings stand objected to under 37 C.F.R. 1.83(a) for not showing every feature specified in the claim 1. Applicant has amended claim 1 to obviate this rejection by canceling the features from the claim. For at least this reason, Applicant respectfully requests reconsideration and withdrawal of the objection to the drawings.

Specification

The specification has been amended to address the informalities raised by the examiner. Applicant respectfully requests reconsideration and withdrawal of the objections to the specification.

35 U.S.C. § 112, First Paragraph Rejection

Claim 5 stands rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. Specifically, the Office Action states that, with respect to claim 5,

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neither the specification nor the drawings provide support for an exhaust aperture. Applicant has amended claim 5 to recite a tubular aperture to obviate the rejection. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 5.

35 U.S.C. § 112, Second Paragraph Rejection

Claim 3 stands rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. Applicant has amended claim 3 to obviate this rejection and respectfully requests reconsideration and withdrawal of the rejection of claim 3.

35 U.S.C. § 102(b) Rejection

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being unpatentable over Bellew et al. (5,463,816). Applicant respectfully traverses this rejection.

Claim 1 recites a planer that includes, among other features, a conduit defined within a body for directing airflow, where the conduit directs the airflow over the exterior of a deflector, then downward to the vicinity of a recess where debris is entrained by the airflow, and then to the deflector before it is guided by the deflector to outside of the body. Applicant respectfully requests reconsideration and withdrawal of the rejection because Bellew fails to describe or suggest a conduit that directs the airflow over the exterior of the deflector, then downward to the vicinity of the recess where debris is entrained by the airflow, and then to the deflector before it is guided by the deflector to outside of the body.

Instead, the Office Action suggests that the opening to deflector assembly 12 in Bellew acts as a conduit. Assuming for the sake of argument that the opening to deflector assembly 12 acts as a conduit, this opening does not direct the airflow over the exterior of the deflector, then downward to the vicinity of the recess where debris is entrained by the airflow, and then to the deflector before it is guided by the deflector to outside of the body. Bellew simply does not show the airflow being directed downward to the vicinity of the recess where debris is entrained by the airflow.

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For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the section 102 rejection of independent claim 1.

New independent claim 14 recites a planer that includes, among other features, a conduit defined within a body for directing an airflow, an expulsion aperture defined by the wall in the body, and a deflector connectable to the conduit for guiding the air flow and entrained debris from within the body to outside of the body, where the conduit is connected to a recess by the expulsion aperture and the conduit directs the airflow to be blown across the expulsion aperture. Applicant submits that claim 14 is in condition for allowance because Bellew does not describe or suggest that a conduit that is connected to the recess by the expulsion aperture and the conduit directs the airflow to be blown across the expulsion aperture.

Instead, as discussed above, the Office Action suggests that the opening to deflector assembly 12 in Bellew acts as a conduit. Assuming for the sake of argument that the opening to deflector assembly 12 acts as a conduit, this opening is not connected to a recess by the expulsion aperture and the opening does not direct any airflow to be blown across the expulsion aperture. Bellew simply does not describe or suggest these features.

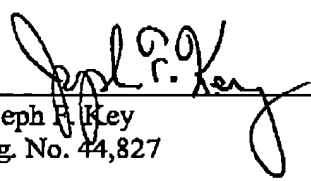
For at least these reasons, Applicant respectfully requests allowance of claim 14.

Applicant submits that all claims are in condition for allowance.

Enclosed is an authorization to charge deposit account 02-2548 for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 02-2548.

Respectfully submitted,

Date: 01/25/2006



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